

Due Date: August 8, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Simon A. Jones et al.	Examiner:	Michelle K. Lay
Serial No.:	10/657,441	Group Art Unit:	2628
Filed:	September 8, 2003	Docket:	G&C 30566.256-US-U1
Title:	OBJECT PROPERTY DATA REFERENCING LOCATION PROPERTY		

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action dated June 8, 2006, Applicants hereby submit a Notice of Appeal accompanied by a Pre-Appeal Brief Request for Review. The claims have not been amended.

(1) Hollingsworth, Matsushita, and Felser do not teach, disclose or suggest defining a location property, without moving an object, wherein the object is part of a drawing that has been obtained;

(2) Hollingsworth, Matsushita, and Felser do not teach, disclose or suggest a location property that provides a location within a drawing for an object with respect to another object, area, or space; and

(3) Hollingsworth fails to teach, disclose or suggest a value for a property of one or more objects from another object area or space that is based on the location of the object (i.e., as specified in the automatic location property).

Independent claims 1, 7, and 13 are generally directed to determining/specifying a location for an object within a drawing. Specifically, a drawing (in a drawing program) is obtained. The drawing has two or more existing object that each comprise a collection of graphical elements. One of the existing objects in the drawing is identified and an automatic location property is defined for the identified object. The claims explicitly provide and define the automatic location property. First, the automatic location property is defined without moving the identified already existing

object. Secondly, the automatic location property provides a location, within the drawing, for the identified object with respect to another object, area, or space. Additionally, a value for a property of the identified object is obtained from property data of the other object, area, or space and based on the location of the identified object. Accordingly, a location property for an object provides a location for the object wherein the location value is based on data from another object, area, or space that the object is associated with.

In addition, Applicants note that since the “location” of the object is determined (1) without moving the object, (2) the “location” is with respect to another object, and (3) a value of the object is based on property data of the other object based on the location, the “location” cannot and is not the actual physical location of the object or how to place the object (via a set of rules). Instead, the “location” is a specified location property for the object that is defined without moving or placing the object. In other words, as used in the dependent claims, the “location” may be established merely by moving the location grip which does not move the object itself (see dependent claim 6). Instead, the “location” of the object is merely identified as on or within another object, area, or space. In this regard, since the location can be established merely by moving the location grip and not the object itself, the physical location of the object is not actually being moved.

Independent Claims - Failure to Establish Prima Facie Case of Anticipation under 35 U.S.C. §102(b)

Appellants directs the panel to page 11 of the Amendment filed on March 13, 2006 for the substance of the arguments. Based on such arguments, Appellants submit that there is clear error in the examiner’s rejection. In this regard, the Examiner has failed to meet the threshold for an anticipation rejection based on Hollingsworth. For example, the claimed value of the property of the identified object based on the property data of the other object AND location of the first object is not even remotely hinted at in Hollingsworth. Such a failure clearly cannot establish a rejection based on anticipation.

Independent Claims - Failure to Establish Prima Facie Case of Obviousness under 35 U.S.C. §103

Regardless of whether a rejection fails to meet the threshold for anticipation under 35 U.S.C. §102, the Office Action has failed to establish a prima facie case of obviousness under 35 U.S.C.

§103. The Appellants direct the attention of the panel to pages 11-13 of the Amendment filed on March 13, 2006 for the substance of these arguments.

Dependent Claims 4, 10, and 16 - Failure to Establish Prima Facie Case of Obviousness under 35 U.S.C. §103

Appellants direct the attention of the panel to pages 13-14 of the Amendment filed on March 13, 2006 for the substance of the arguments. In this regard, specific claim limitations set forth in the dependent claims (in view of the context of such limitations as set forth in the independent claims) are completely ignored and disregarded. Such an omission in the Office Action of addressing the claim limitations establishes clear error in the rejection.

Dependent Claims 5, 11, and 17 - Failure to Establish Prima Facie Case of Obviousness under 35 U.S.C. §103

Appellants direct the attention of the panel to pages 14-15 of the Amendment filed on March 13, 2006 for the substance of the arguments. In view of the arguments, Appellants submit that the Office Action fails to address certain claim limitations. For example, the Action fails to consider the use of a location grip without moving the object itself. Such an omission establishes clear error in the rejection and the failure to establish a prima facie case of obviousness.

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Appellant's undersigned attorney.

Respectfully submitted,

Simon A. Jones et al.

By their attorneys,

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